

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

R.S.A. No. 3644 of 2004

Date of decision February 1, 2007

Smt. Bhagwani

.....Appellant

Versus

Hem Karan and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VINEY MITTAL

Present:- Sh. Jaivir Yadav, Advocate
for the appellant.

Viney Mittal, J (Oral)

This order shall dispose of two regular second appeals being RSA No. 3644 of 2004 and 3538 of 2004. Both the appeals have been filed by Bhagwani-daughter of Gharshyam, whose estate is in dispute. The said appeals arise out of two separate suits with regard to the suit property.

Bhagwani filed a suit for declaration and permanent injunction claiming that she is owner in possession of the suit property to the extent of half share along with defendants No.5 and 6 and defendants No.1 to 4 had no right, title and interest in the suit property.

The defendants No.1 to 4 contested the suit and set up a registered Will dated September 17, 1993 executed by Gharshyam, registered on September 27, 1993. Gharshyam died on September 23, 1994.

A separate suit was filed by defendants No. 1 to 4 for permanent injunction. They claimed ownership and possession of the suit property left behind by Gharshyam on the basis of the aforesaid Will. This suit was contested by present Smt. Bhagwani. She denied execution of any such Will by Gharshyam.

Both the Courts below have concurrently upheld the due execution of the said Will dated September 17, 1993 by Gharshyam in favour of defendants No.1 to 4. It has also been specifically held that no suspicious circumstances surround the Will. It is not in dispute that Smt. Bhagwani, the present plaintiff-appellant, and Lali-defendant No.6, were already married for a very long time.

Keeping in view the aforesaid fact and also the findings of fact recorded by the two Courts below which are not shown to be erroneous in any manner, I do not find any justification to interfere in the present appeals.

No question of law, much less any substantial question of law, arises in the present appeal.

Dismissed.

(VINEY MITTAL)
JUDGE

February 1, 2007
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